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OUTGOING TELEGRAM Department of State

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VERBATIM TEXT

AN 29 7 30 PM '62

ACTION: Ambassador BERLIN

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INFO: Ambassador JOHN
Ambassador PARIS
Ambassador LONDON
SECRETARY BERLIN

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PARIS PASS FINLETTER - EYES ONLY

EYES ONLY

Reviewed by: Elijah K. Following are agreed instructions for your next meeting with Gromyko which Date: 4-4-62

You should request for early date. You will note minor amendments in text contained DEPTTEL 1651 to take account of points made by you and British and Germans.

Instructions contemplate that you will leave with Gromyko text of memorandum which summarizes the instructions as well as text of all-Berlin proposal (proposal for reunification of Berlin) and summary of International Access Authority transmitted to you DEPTTEL 1617. You will receive separate cable regarding amendments to be made in these texts.

You will have noted that text of memorandum to be left with Gromyko while consistent with instructions in present cable, also contains certain arguments for language from basic instructions for first two conversations with Gromyko. You will have noted that text of memorandum, as shown to your Ambassador, is for his use only. You will have noted that this memorandum is for your use only. You will have noted that this memorandum is for your use only.

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Approved: [Signature]
Special Agent in Charge
Date: [Date]

which might take place between you before you make your final expression QUOTE record and amplify the position of the Soviet Government on this random.

BEGIN TEXT OF DISCUSSION

1. We are, of course, disappointed that your last report with respect to nothing more than restatement both orally and in writing of standard Soviet position on Berlin. We also note that you are inclined to consider that Soviets wish to break off Moscow talks so that they may proceed with signature of peace treaty. Whether this view correct or whether hard Soviet position can be explained at least partly in terms of negotiating tactics, we can all agree that West has no over-riding interest in accelerating pace of talks or in pushing them towards breakdown. Although present indeterminate position creates difficulties in terms of required US decision on military build-up, these are not governing at present stage. On other hand time seems to have come in this round to present Western case strongly and to put certain questions which may cause movement in one direction or another.

2. You might begin by stating that Soviet Foreign Minister, in last discussion, put forward position known to be unacceptable to Western Powers. In presenting para 4 of previous instructions contained in REFINT 1618, you have already laid groundwork for elimination of further discussion of Western role in peace treaty. You should reiterate this point, adding that we are refraining from putting forward Western position in all-German field because we continue to assume that Soviets recognize that no meeting of minds is possible on peace treaty and that they are prepared to

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take this into account. As to the possibility of
you should say that you will be doing this
Western view on subject of [unclear]
[unclear]

3. It is obvious, however, that Soviet position on this matter is in reality based on the desire to achieve a Free City of West Berlin in US and Soviet documents no apparent basis which might be taken as the basis for the Soviet position. If Soviets are not prepared, as seems to be the case, to proceed from principle that great power cannot be imposed simply to accept the position of other side. If Soviets are not prepared, as seems to be the case, to discuss seriously an all-Berlin arrangement, they cannot believe that US should be expected to discuss Soviet proposal for free city which, despite verbal assurances, would represent substantial repudiation of position which Western powers have consistently maintained during numerous exchanges and discussions with Soviets since November 1958. Having attempted to dispose of East Berlin without Western concurrence, Soviets appear to be seeking basis on which they could interfere in affairs of West Berlin. Proposal would deprive West Berliners of essential protection they now enjoy and make their contacts with outer world subject to whims of East Germans. There can be no question but that people of West Berlin oppose concept of Free City. If there is any doubt in anyone's mind on this point, Western Powers would be glad, as previously stated, to have properly supervised plebiscite held in West Berlin. It would be difficult enough to establish entity comprising all Berlin as a viable, independent city, but this would be almost impossible for a portion of city.

4. It follows that unacceptable positions of both parties should be set on one side for the present and attention should be directed towards finding a common ground

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ground on practical matters. Such a position is not only
out of line with the GDR's position, but also with the
GDR's position. It is a fact, would be a mistake to assume that the GDR's position is
connection, Western Powers put forward suggestions for a new
Soviet Foreign Minister has said this was completely in accordance with the
sovereignty of GDR-UNQUOTE. Perhaps there is a lack of understanding here,
Soviets seem to be overlooking some basic facts.

a. West Berlin and our access thereto were not subject to any Soviet
occupation rights.

b. There is no way by which Soviet Union can confer on GDR rights which
it does not have.

c. Any attempt to confer QUOTE sovereignty UNQUOTE must therefore be
limited by fact of Western position in Berlin.

d. We are prepared to discuss how Western rights can be exercised so as
not to interfere with GDR authorities but not how these rights are to be handed over
to those authorities. (In pursuing this line of argument you may as you see fit
draw on paras 6 and 10 of BEPHEL 1615, as well as US note of July 17, 1961.)

5. Moreover, International Access Authority would not run counter to procedure
which Soviet Foreign Minister in first talk described as consistent with GDR QUOTE
sovereignty UNQUOTE, namely, that agreement between four occupying powers should
subsequently be respected by GDR in arrangement between it and Soviet Union. Access
Authority would provide solution to problem which would be compatible with interests

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of all parties concerned and to the fact that the need be no more inconsistent with the concept of International Access Authority. The concept of International Access Authority is a concept of areas concerned. You might at this point begin to emphasize the concept of International Access Authority noting that if Soviets wish to pursue matter further we would be glad to provide draft of possible agreement.

6. In event that Gromyko shows no interest in International Access Authority or continues to argue that entire concept is unacceptable as inconsistent with GDR sovereignty, you might point out that, just as Soviets say they cannot discuss idea of International Access Authority, or apparently of all-Berlin solution, we find it impossible to discuss Soviet proposal for free city as contained in draft statute. Where does this leave us? Purpose of present talks is to establish whether basis for negotiations exists. Such basis clearly does not exist in terms of talks so far.

7. After pointing out that we would want to explore further whether there is, therefore, any intermediate point which might provide a basis for negotiations, you might try to ascertain from Gromyko whether Soviets insist on discussion of their free city proposal as prerequisite for further discussion of access question. You should stress point that one great power simply cannot expect another great power to capitulate in face of demands which are clearly unacceptable. We have left certain documents with Soviets presenting our views. If these are not acceptable to Soviets, we are willing to discuss possible modifications or general subject of West Berlin arrangement further.

8. If Soviets

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8. If Soviets have problems with respect to West Berlin they can raise them. They have said they cannot be expected to confirm Western occupation rights. We are not asking for confirmation of occupation rights but we require no such confirmation, but acceptance, as one of the facts of situation, of presence of Western forces in Berlin, and we are prepared to work out new arrangements to deal with problems involved. If we can assume, as seems to be the case, that both sides have over-riding interest in avoiding collision course on Berlin, then it is only reasonable to expect that both sides will be willing to concentrate on those areas where at least some working arrangement might be possible.

9. You might then go on to point out that, lest there be any misunderstanding as to how we see present situation in West Berlin, status of Western sectors is as set forth in para 12 of DEFTEL 1615.

10. You might conclude by saying that you will report to your Government and after receiving further instructions, will ask for further meeting during which you hope Soviet position will reflect more appropriately importance of arguments which you have presented. If you consider it feasible, in rounding out response to Gromyko declaration at previous meeting to deal with his emphasis on QUOTE broader questions UNQUOTE, you may repeat language along lines para 14 of DEFTEL 1615.

11. To degree desirable in meeting specific points made by Gromyko or in spelling out US views, you may draw on previous instructions. Since Soviets show no hesitation in repeating stale arguments over and over again, you should feel no inhibitions in this regard. Purpose of exchange would not, however, be to lead to

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break in discussions but, apparently, to encourage Attilla to lobby that it is in common interest of both great powers to find a Berlin settlement, that they share responsibility for avoiding an impasse and that there is necessity for some give on their part if any progress to be made.

END TEXT

Ball
Acting
(FDR)

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